

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON JANUARY 2, 2024 AT 6:00 P.M.

RESOLUTION #2-53/2024

To approve Special Use Permit Application No. 2023-047 for a Retail Cannabis Dispensary at 3553 West Henrietta Road.

On Motion of
Supervisor Schultz

Seconded by
Councilmember Stafford

WHEREAS, NY Rochester Group LLC, d.b.a. Mango Cannabis Co., (the "Applicant") has applied for a Special Use Permit (Application No. SP2023-047) under Henrietta Town Code §295-14[B](13) for a cannabis adult-use retail dispensary (the "Application") to be located in a Commercial B-1 District at 3553 West Henrietta Road, Rochester, New York 14623 (the "Property"), or as more particularly described in plans on file in the Town Clerk's Office; and

WHEREAS, the Property meets the requirement of §295-14[B](13) of having street frontage to West Henrietta Road and being located between Dorschel Parkway and the CSX Rail overpass; and

WHEREAS, the Property does not have a church, school, or park located within the 1,000-foot buffer, as part of the additional Special Use Permit requirements detailed in §295-54.1[B](2), there is a property whose primary business is directed towards minors located within the 1,000-foot buffer; however, that business is separated from the Property by over 800-feet, by a five-lane road, and by a stream, and as such, may be reduced as per sub-paragraph (b) of §295-54.1[B](2), and as such, is not considered an issue; and

WHEREAS, a public hearing was duly advertised and held relative to the same on January 2, 2024 at 6:00 p.m.; and

WHEREAS, the Town Board has carefully considered all information relevant to the Application, including but not limited to the Application, correspondence and oral testimony from the public, and correspondence and oral testimony from the Applicant; and

WHEREAS, the Town Board has considered each of the factors for assessing the requested Special Use Permit approval, all as set forth in Town Code Section 295-54.

THEREFORE, BE IT RESOLVED, that, in considering the Special Use Permit factors, including in considering all information based on the record, public comments, those reasons discussed at the public meeting related to the same, and all materials submitted related to such Application, and based upon applicable law, and in consideration of any conditions set forth herein, the Henrietta Town Board finds that the Special Use Permit factors support approval of the Application, pursuant to the applicant obtaining a final license to operate a cannabis adult-use retail dispensary.

BE IT FURTHER RESOLVED, that based upon the aforementioned, the Town Board hereby grants approval for the Application to operate a cannabis adult-use retail dispensary, subject to the following condition(s):

1. Prior to operating the dispensary, that the Applicant obtain all necessary government approvals to operate said retail cannabis dispensary, including, but not limited to, a cannabis adult-use retail dispensary license from the New York State Office of Cannabis Management.
2. The dispensary shall be operated in accordance with all applicable laws, rules, and regulations.
3. That on-site consumption of cannabis products, either in-store or on-site, such as in the parking lot or adjacent areas, is prohibited, and that diligence is expected from the operation to prevent this from occurring. The failure to prohibit and/or a lax attitude towards those improperly consuming cannabis products in-store or on-site, may result in the revocation of this Special Use Permit by the Town Board.
4. That the operation exercises diligence with respect to child-proof containers, packaging that does not entice children, buyer identification procedures, monitoring the facility inside and out, the use of a safe and other cash-handling protocols, and other procedures and protocols to ensure the legal sale of the cannabis products and to help prevent the cannabis products from falling into the hands of minors. The failure to maintain adequate safeguards or a material departure from what was presented to the Town Board during the application process may result in the revocation of this Special Use Permit by the Town Board.
5. That all cannabis sale activity shall take place within the interior of the building, or at designated curb-side locations along the front of the building, in conjunction with applicable New York State Office of Cannabis Management laws and regulations regarding curb-side sales operations. No sales may occur in other locations outside, under tents, or under a portico or similar physical structure.
6. That signage cannot glorify cannabis, promote the over-indulgence of cannabis, or be overly flashy.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Nay
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

HARRIS BEACH PLLC
ATTORNEYS AT LAW

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585.419.8800

FRANCIS L. GORMAN, III
MEMBER
DIRECT: [REDACTED]
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November 28, 2023

VIA HAND DELIVERY

Henrietta Town Hall
475 Calkins Road
Rochester, NY 14623

RE: Special Use Permit Application
Letter of Intent

Dear Supervisor Schultz and Members of the Town Board,

We represent NY Rochester Group LLC (the “**Applicant**”) in its application for a special use permit to operate a cannabis retail dispensary on a parcel located at 3553 W Henrietta Road, Henrietta, NY, 14623 (the “**Property**”). The Applicant applied for authorization with the New York State Office of Cannabis Management (“**OCM**”) to operate its adult-use retail dispensary at the Property (the “**Dispensary**”). We submit this letter of intent in support of the Applicant’s application and to request the Board’s attention during its regularly scheduled meeting on January 4, 2024 to allow the Applicant to introduce the application and for the Board to direct a public hearing to be held on the application.

Introduction

Applicant leased the Property from BIRNBAUM-3553, LLC (the “**Owner**”) for the proposed operation of the Dispensary. The Applicant is operated by its Managing Member, Joseph Pattah.

Pursuant to a license agreement, Applicant intends to operate the Dispensary under the name “Mango Cannabis Co.” and shall have rights to sell and distribute Mango (as defined below) and affiliated products. The Dispensary will lead to the hiring of dozens of employees and serve tens of thousands of customers annually. The Dispensary will sell all cannabis-related products approved under New York State law including but not limited to flower, pre-rolls, concentrates, capsules, tinctures, topicals. For the reasons set forth herein, the operation of the Dispensary will be a substantial benefit to the Town of Henrietta.

Mango Cannabis Co. (“**Mango**”), an Oklahoma corporation founded in 2019, operates eight (8) thriving retail cannabis stores in six (6) cities across Oklahoma. Mango employs dozens of highly qualified employees and serves tens of thousands of patients and customers annually. Mango offers a selection of thousands of high quality cannabis products that are thoroughly vetted to provide its customers with a safe and consistent product.

The Applicant seeks a special use permit to operate a Mango Dispensary at the Property.

The Property

The Property is zoned Commercial B-1 and is identified on the Town of Henrietta Tax Map No. 161.11-1-13. The Property is .63 acres and contains an existing one-story restaurant building (3,840 square feet) (former Henrietta Hots) constructed in 1985, landscaping, lighting, and parking spaces.

Application Materials

Enclosed are the following submission in furtherance of the Applicant's application:

- Special Use Application Form with the Signed Statement of Applicant and Owner with Respect to Reimbursement of Professional and Consulting Fees
- Application Fee payable to the Town of Henrietta in the amount of \$200.00
- Four (4) Site Plans
- Letter of Authorization from the Property Owner (BIRNBAUM-3553, LLC)

Application Standards

In accordance with Town Code § 295-54, the Town Board should grant the Applicant's application for the following reasons:

The operation of a cannabis retail dispensary at the Property is substantially consistent in its scale and character with those uses permitted and the existing built permitted uses in the B-1 District and neighborhood. The surrounding properties consists of uses permitted in the B-1 District such as retail and other commercial businesses along the W. Henrietta Road corridor. A retail use of the Property is entirely consistent with the uses permitted the District and the existing uses in the neighborhood.

The operation of a cannabis retail dispensary at the Property aligns with the vision, goals and recommendations of the Comprehensive Plan and other applicable plans and studies conducted by or on behalf of the Town. The Town's 2019 Comprehensive Land Use Plan Update provides four additional goals and objectives for land use planning initiatives in the Town. Goal 1 specifically states that the Town's goal is to "create opportunities for redevelopment and reuse of underutilized and vacant properties." The Property formerly served as the Henretta Hots and currently remains vacant and underutilized. The operation of a cannabis retail dispensary at the Property will make use of the existing building and infrastructure and thus further the land use planning goals of the Town.

The operation of a cannabis retail dispensary at the Property aligns with the purpose, intent, and applicable design and development standards of the B-1 District. “It is the principal purpose of the B-1 and B-2 Commercial Districts to provide for businesses that meet the local day-to-day shopping and service needs of residents and visitors that draw from neighborhood and regional populations, in a manner that is compatible with surrounding uses and supports the desired visual character of the Town.” Town Code § 295-13.1.

The operation of a cannabis retail dispensary at the Property will **not** be a nuisance in law or in fact. The Applicant is applying for a license from the New York State Cannabis Control Board to operate a cannabis retail dispensary on the Property, which authorizes “the acquisition, possession, sale and delivery of cannabis from the licensed premises of the retail dispensary by such licensee to cannabis consumers.” MRTA § 72(1). No nuisances, in law or fact, such as noise, dust, smoke, refuse, poisonous substances, odors, fumes, noise, radiation, vibration, unsightliness or similar conditions, will be created by operating a cannabis retail dispensary on the Property.

The operation of a cannabis retail dispensary at the Property will **not** create material hazards or dangers to the public or to persons in the vicinity from fire, explosion, electricity, radiation, traffic congestion, crowds, parking of vehicles, or other causes. While operating a retail dispensary, the Applicant will not utilize any hazardous or dangerous chemicals or conducting any such activities. The on-site parking and vehicular traffic patterns are adequate to serve the proposed use and are in the public interest.

The operation of a cannabis retail dispensary at the Property will **not** create materially adverse impacts that cannot be adequately mitigated, such as to adversely impact natural resources or the environment, agriculture, community services or other areas required to be addressed by the State Environmental Quality Review Act (SEQRA). Alterations to the existing building will not involve substantial changes to the existing structure or facility and is the reuse of a commercial structure permitted under the Town Zoning Code. *See* 6 NYCRR § 617.5 (c)(1), (18).

The physical conditions and characteristics of the Property are suitable for the proposed use considering site size, configuration, location, access, topography, vegetation, soils, and hydrology for effective stormwater management. The Property, including the existing building and infrastructure, are constructed and suitable for the operation of a cannabis retail dispensary.

There are adequate existing public infrastructure, utilities, community facilities and emergency services to effectively serve the operation of a cannabis retail dispensary at the Property.

The operation of a cannabis retail dispensary at the Property will provide, maintain, or enhance, as necessary, safe and efficient vehicular traffic patterns, nonmotorized travel, and pedestrian circulation.

Lastly, the Applicant intends to apply for and obtain the required State or other governmental approval necessary to operate a cannabis retail dispensary at the Property.

Should you have any questions or comments, please do not hesitate to contact us. Thank you for your time and attention to this matter, and we look forward to working with you and the Town.

Very truly yours,

HARRIS BEACH PLLC

A handwritten signature in black ink that reads "FL Gorman". The letters are cursive and fluid.

Francis L. Gorman, III

FLG:aad

Enclosures

cc: Millie Sefranek, Councilwoman (msefranek@henrietta.org)
Lisa Bolzner, Councilwoman (lbolzner@henrietta.org)
M. Rick Page, Councilman (rpage@henrietta.org)
Joseph D. Bellanca, Jr., Councilman (jbellanca@henrietta.org)

HENRIETTA STORE PROPOSAL





LOCATIONS

Mango Cannabis currently boasts 8 thriving stores across 6 cities, making it a go-to destination for cannabis enthusiasts statewide.

PATIENT BASE

With a loyal following of over 124,000 patients, Mango Cannabis is committed to serving the marijuana community with top-notch products and personalized service.

PRODUCT RANGE

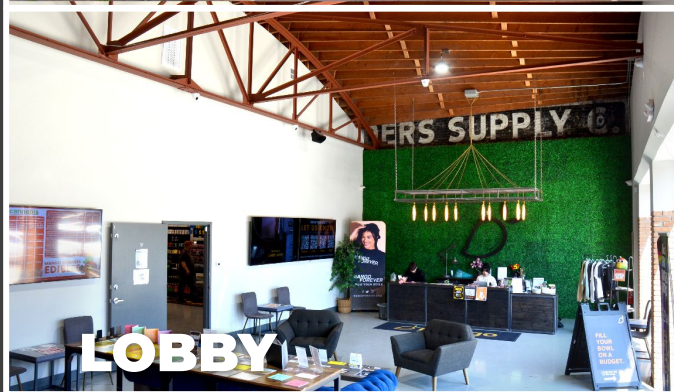
Our dispensaries stock an impressive selection of over 3,000 cannabis products, sourced from more than 70 brands, both local and national. From flower to edibles and everything in between, we cater to a diverse array of preferences.

OVERVIEW





STREET



LOBBY



SHOWROOM

NORMAN LOCATION



STREET



LOBBY



SHOWROOM

NW EXPRESSWAY LOCATION



STREET



LOBBY



SHOWROOM

TULSA HARVARD LOCATION

EXTERIOR & INTERIOR EXAMPLES



EXTERIOR ADVERTISING

LEMON CHERRY TERDZ.
EXCLUSIVELY AT MANGO CANNABIS

mango CANNABIS CO x **CloutKing**

SHOP 1906 FOR YOUR
BEST. SLEEP. EVER.

AT **mango** CANNABIS CO

1906

Premium quality.
For the greatest of all times.

mango CANNABIS CO x 

MANGOCANNABIS.COM



EXPLORE
YOUR LIMITS.

KOSMIX BRANDS x **mango** CANNABIS CO

MANGOCANNABIS.COM

AFFORDABLE. RELIABLE.
UNDENIABLE.

 **BORO FAMILY FARMS**  CANNABIS CO

FROM BUD TO BLISS.

BLOOM x **mango** CANNABIS CO

MANGOCANNABIS.COM

STAY WARM.
STAY NOBLE.

 **NOBLE NECTAR** x **mango** CANNABIS CO

MANGOCANNABIS.COM

COLLABORATIVE BILLBOARDS

ID CHECK & COMPLIANCE PROTOCOLS

Adhering to stringent regulations is our unwavering commitment. We set the highest standard to ensure that our operations are fully compliant with cannabis consumption laws and product is in the right hands. We will require the following information for patient check-in:

- Personal ID (and/or)
- Driver's License
- Phone Number

Future stores will have an ID scanner that auto-saves information to our POS so that we can keep an efficient and constantly up-to-date patient log.



CUSTOMER QUEUING

Home > Customer Queue

#	Name	Checked In
1	[REDACTED] (SCOTT)	a minute ago

patient waitlist based on first check-in

Customer Queue Details

In-Store:
1 Customer

Average Wait Time:
1 minute

REGISTER STATUS

Register 3 Available

Register 5 With Customer
1948094625
a few seconds ago
John M. (Budtender)
[REDACTED] (Customer)

Register 6 With Customer
1948094921
a few seconds ago
Kyle H. (Budtender)
[REDACTED] (Customer)

—● patient count

—● average wait time

—● active registers

Our POS system GrowFlow has a built in waitlist queue to track the flow of patients in real time after they complete the check-in process at the reception desk.





SERVING OUR COMMUNITY

At Mango Cannabis, we take pride in giving back. We conduct philanthropic initiatives in dedication to our community. We've engaged with organizations like Skyline Urban Ministries, greek chapters, high schools, Positive Tomorrows, and the Regional Food Bank to name a few.



- FOOD DRIVES**
- BACKPACK DRIVES**
- BCA FUNDRAISERS**
- VETERAN FUNDRAISERS**
- TOY DRIVES**



PATIENT SAFETY

At Mango Cannabis, the safety and well-being of our patients is a top priority. With a steadfast dedication to creating a secure and comfortable environment, we've implemented a comprehensive safety infrastructure that ensures peace of mind for everyone who walks through our doors. Our state-of-the-art facilities are equipped with an extensive network of 70 surveillance cameras at each location, providing constant oversight to safeguard both our patients and our team. Trained armed security personnel are a visible presence, ready to respond to any situation swiftly and effectively. For an added layer of protection, each location is equipped with discreet panic buttons strategically placed throughout the premises, ensuring immediate access to help in case of emergencies. Our strict Standard Operating Procedures (SOPs) for emergency situations have been meticulously developed to guarantee the utmost safety and preparedness.



ARMED SECURITY



ALARM SYSTEM



**PANIC
BUTTONS**



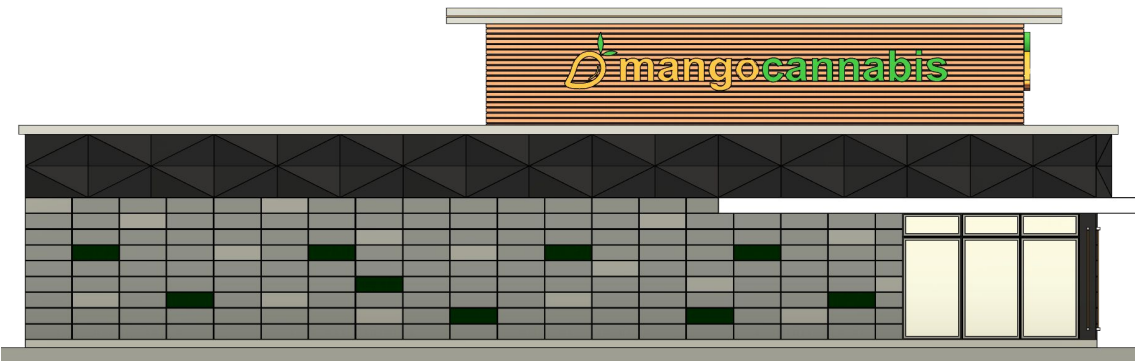
**SURVEILLANCE
CAMERAS**



HENRIETTA LOCATION BEFORE PHOTOS



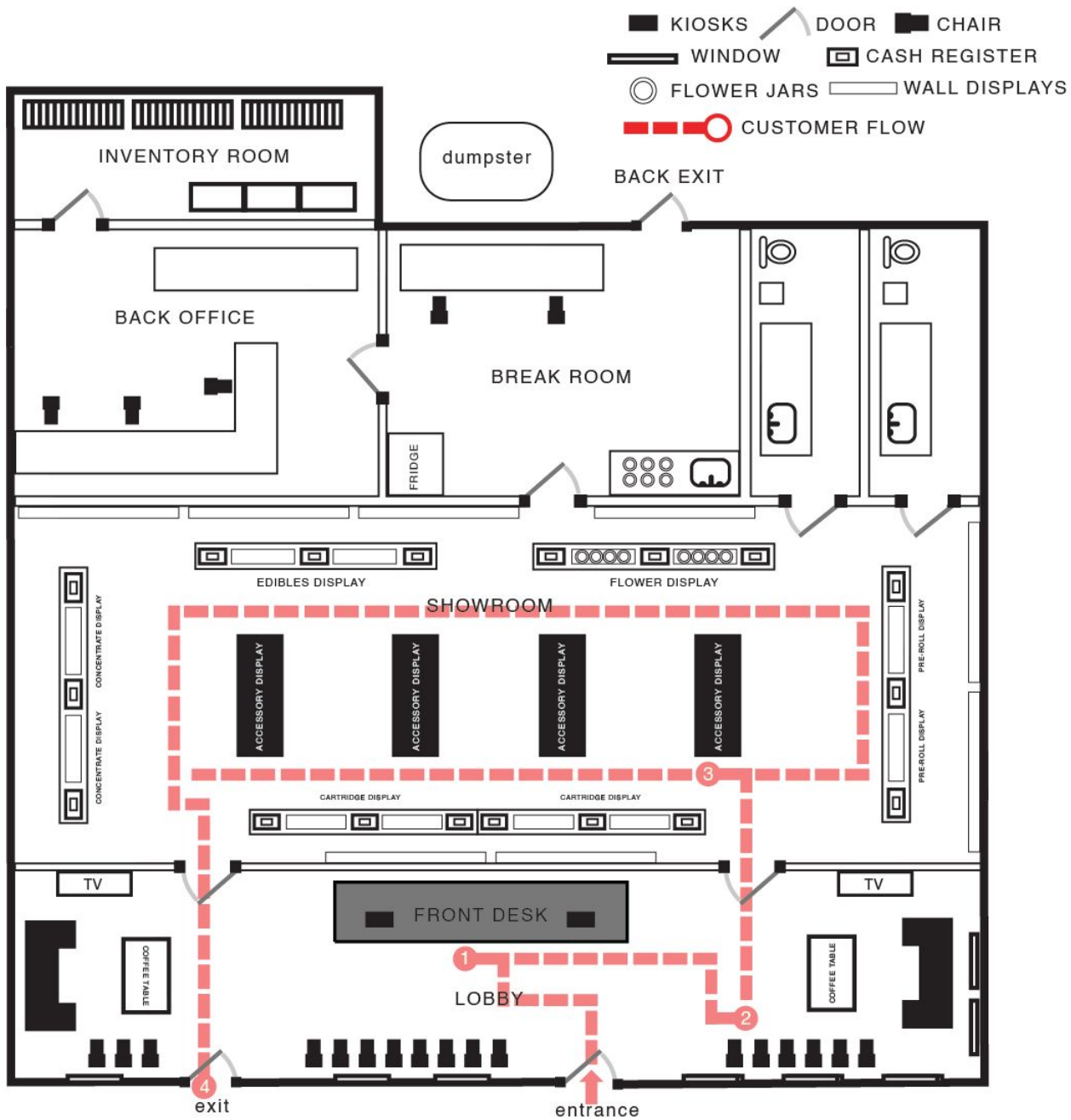
AFTER CONCEPTS



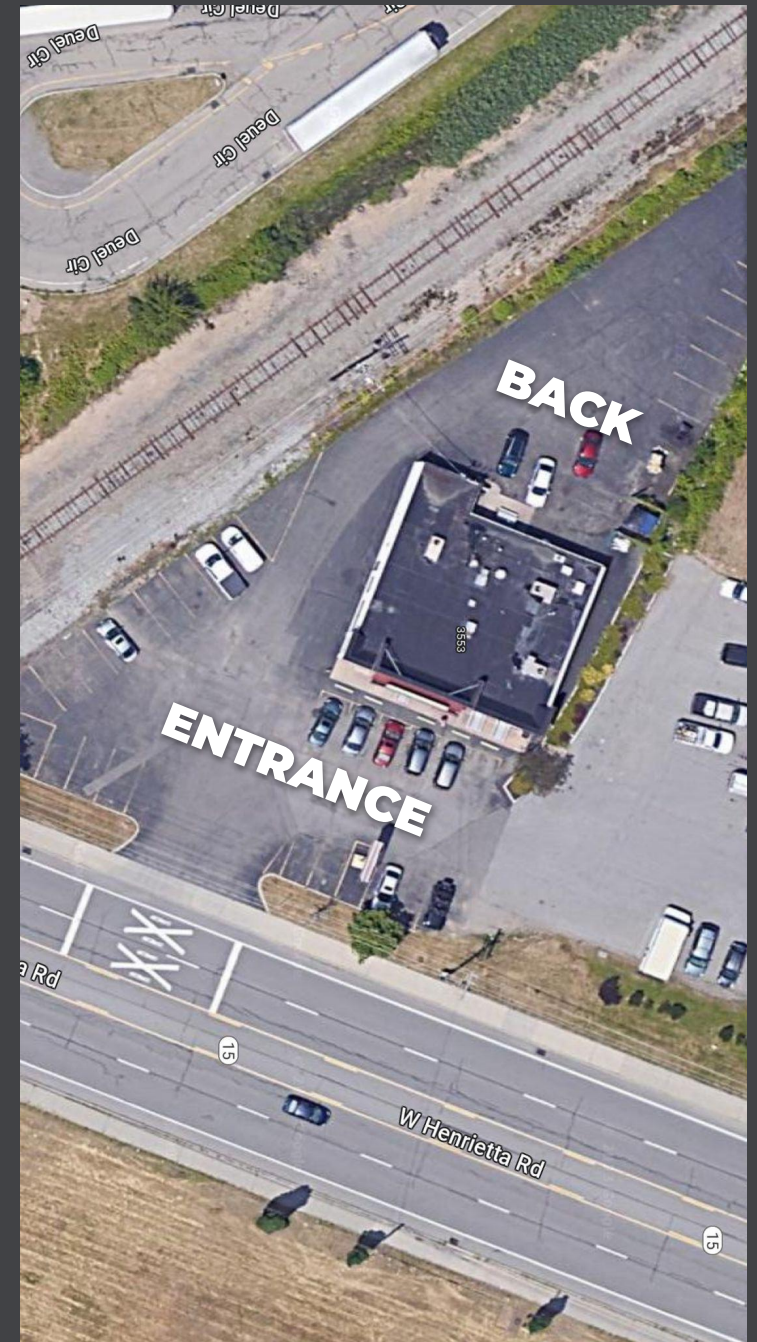
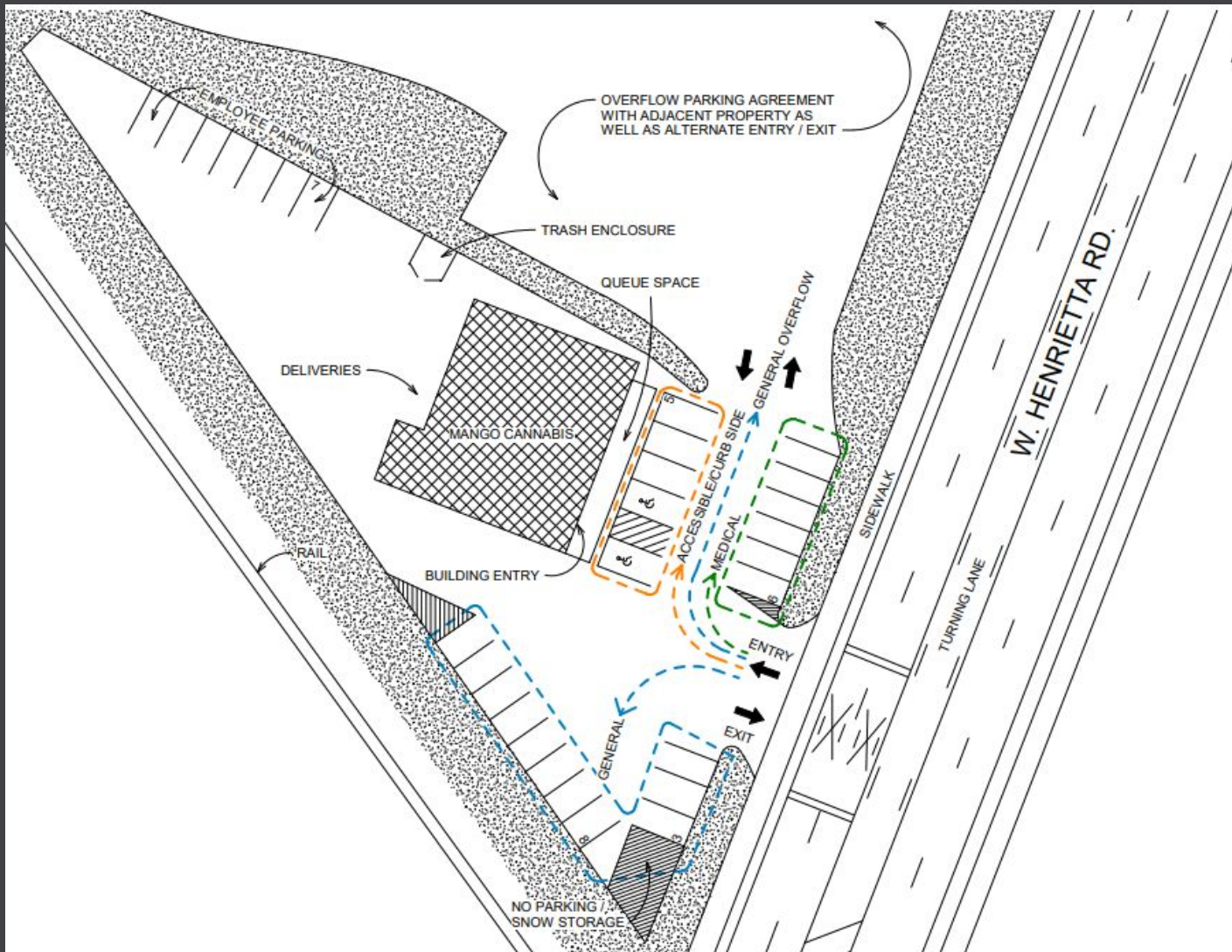
SOUTH SIDE



EAST SIDE



POST-REMODELLING INTERIOR CONCEPT AND CUSTOMER FLOW



CUSTOMER PARKING LOT FLOW

The plot has ample private parking for patients including accessibility spots located at the front of the building. Street parking will not be necessary. Staff parking available in the back and side of building.

**LET'S TAKE MANGO
TO THE NEXT LEVEL.**

To learn more about our brand, visit us at

mangocannabis.com

